

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 488 of 2006**

- Tirith Bai, W/o Keshaw Gond, aged about 35 years, Occupation – Housewife, resident of Village Mokhali, Police Station Lalbagh, District – Rajnandgaon (C.G.)

---- Applicant**Versus**

1. State of Chhattisgarh, Through : District Magistrate, Rajnandgaon.
2. Puran Lal, Son of Late Bijuram Sahu, aged about 32 years.
3. Smt. Keja Bai, Wd/o Late Bijuram Sahu, aged about 75 years.
4. Smt. Devki Bai, W/o Puranlal Sahu aged about 30 years.

All are resident of Village Mokhali, Thana Lal Bag, District – Rajnandgaon (C.G.)

---- Non-Applicants

For Applicant	:	Shri Abhishek Sharma, Advocate.
For State	:	Ms. M. Asha, Panel Lawyer
For Respondents No.2 to 4	:	Shri Vivek Sharma, Advocate

SB: Hon'ble Shri Justice P. Sam Koshy
Order On Board

17/03/2017

1. The present revision petition has been preferred against the judgment dated 11.05.2006 passed by the Special Sessions Judge, Rajnandgaon, whereby Respondent No. 2 - Puran Lal stood convicted under Section 294 of the IPC and other accused persons have been acquitted from the charges levelled against them under Sections 294, 506(2) of IPC and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, 'the SC & ST Act').
2. Learned counsel for the Applicant submits that it is a case where the Court below has not appreciated the evidence adduced on behalf of the prosecution, particularly, in respect of using filthy and abuse words of

the complainant Tirith Bai (PW-1). He further submits that the evidence of the Applicant has been corroborated by the statement of her husband Keshaw Ram (PW-2). Likewise, the other independent witnesses also have supported the case of the prosecution so far as the incident that has transpired on 14.09.2005 and therefore, all the accused persons should have been convicted for the offences, which they have committed. Having not done so, the order impugned requires to be interfered with.

3. Learned counsel for the Respondents submit that it is a case where the Court below has infact properly appreciated the evidence which have come on record and it is only after due consideration of the record, the respondent No.2 – Puran Lal against whom the charge has been established beyond reasonable doubt and was convicted and at the same time rightly acquitted the other accused persons, therefore, the impugned judgment does not warrant any interference.
4. Having considered the evidence adduced on behalf of the prosecution, particularly, that of the complainant Tirith Bai (PW-1) and also the so-called eyewitness Keshaw Ram (PW-2), husband of the complainant, it clearly reflects that specific allegation on the part of each of the respondents – accused is not available in the deposition of any of the witnesses. The only specific allegation is against Respondent No. 2 – Puran Lal, who has also been convicted under Section 294 of the IPC.
5. So far as offences under Section 506 (2) of the IPC as well Section 3 (1) (x) of the SC & ST Act, the prosecution has not been able to adduce any cogent or strong evidence to establish the same. So far as the other witnesses are concerned, considering the statements of Lakhal

Lal (PW-3), Sunderlal (PW-4), Moolchand (PW-6), Ishwarilal (PW-7) and also Lochan Pandey (PW-5), it clearly reflects that abusive and filthy words have been used only by Respondent No.2 – Puran Lal and there is no evidence so far as any act having been committed by any other respondents – accused, except for the general and omnibus statement that they were also along with respondent No.2 – Puran Lal.

6. In view of the same, this Court does not find that any case made out by the Applicant calling for interference with the judgment impugned. The evidence which have been adduced primarily is only against Respondent No. 2 – Puran Lal. In the absence of any specific evidence cogent and reliable nature against the other respondents, the finding of the Court below cannot be said to be bad in law.
7. The revision petition, thus being devoid of merits, is liable to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
JUDGE